

REMARKS

In the Office Action, the Examiner objected to the drawings as having inconsistent character of lines, numbers, and letters. Attached herewith are formal drawings which the Applicant believes satisfactorily addresses the objections to the drawings.

The Examiner also rejected Claims 1-9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim what the Applicant regards as the invention. In particular, the Examiner indicated that the claim limitations of "the direction" and "the plane" in Claim 1 and 5 and "the plane" in Claim 9 lack sufficient antecedent basis. By this paper, Applicant amends Claims 1, 5 and 9 to include antecedent basis for the plane of the supporting portion. Claims 1 and 5 have been amended to include antecedent basis for the direction of the longitudinal axis. The Applicant now believes that Claims 1-9 now comply with the requirements of 35 U.S.C. 112, second paragraph.

The Examiner also rejected Claims 1-4 under 35 U.S.C. 102(b) as being anticipated by US Patent 4,523,357 to Widditsch. Following a careful review of the Widditsch '357 reference, the Applicant notes that Widditsch describes a hook assembly for suspending a bag over an overhead support such as a branch of a tree. The hook assembly consists of an open hook portion for locating over the branch. A tongue member 40 sits in one position when the bag is being moved towards the branch (Fig. 3), and sits in a second position once the bag has been located on the branch (Fig. 2). The hook assembly of Widditsch with tongue portion 40 ensures that the hook is not disengaged from the branch even if the bag is violently swung by the wind (column 4 lines 35-37).

Claim 1 of the present application includes the feature of "...a planar supporting portion defining an aperture therethrough..." . The supporting portion (hook 16 and shank 20) of the Widditsch device does not constitute a **planar** supporting portion, but is rather formed from a rod-like shaft, circular in cross-section. Further, the supporting portion does not define a true aperture, but is only partially curved upon itself to form an open hook portion.

Further, Claim 1 of the present application includes the feature of "...a retaining portion being resiliently deformable out of the plane of the supporting portion..." (Claim 1 as amended). The retaining portion (lock 22 with tongue member 40) of Widditsch, in contrast, is resiliently deformable within the plane of the supporting portion and not out of the plane of the supporting

portion. The whole hook assembly of Widditsch is the supporting portion and so the plane of the supporting portion would be, for example, the surface of the paper as shown in Figure 2. Therefore, the retaining portion only moves within this plane and is not resiliently deformable out of the plane. (c.f. Figures 2 vs. 3 of Widditsch).

Claim 1 also includes the feature of "...a retaining portion which extends in a plane of the supporting portion which partially occludes the aperture of the supporting portion..." (Claim 1 as amended). As Widditsch however does not have the aperture of the supporting portion as claimed and discussed above, the retaining portion cannot partially occlude this aperture.

One of the advantages of the device of the present application is that the retaining portion, when in use, is designed to locate onto a projection having an end in order that the bag to which the retaining portion is attached is not inadvertently released. The mail bag hook is simply slipped onto the projection and the resilient retaining portion deflects and then bears against the projection holding the hook and bag in place. However, it is possible to release the retaining portion from the projection by using a relatively small force when required and drawing the hook and bag away from the projection. Thus, the present invention does not prevent the bag from disengaging when it is moved violently.

In contrast, the teachings of Widditsch are explicitly towards a device to prevent the hook and attached bag from being dislodged even under strong forces and a device adapted to be secured to an elongate member without an accessible end, such as a tree branch. The Widditsch device requires separate actions for a person to lift the hood to bend the lock in, then place the hook over a branch, then lower the hood to engage the lock around the branch. The goals and circumstances of use of the Applicant's device and Widditsch are different and thus a person wishing to produce a hook of the present invention with the above-described advantages would not refer to the Widditsch document, as it teaches away from the invention.

Claim 2 of the present invention claims a supporting portion defining a continuous boundary around the aperture. Within Widditsch there is no continuous boundary defined by the supporting portion. The hook defined in Widditsch is an open ended hook so that it may be swung over an overhead support without an accessible end, such as a tree limb. Therefore, present claim 2 is novel over Widditsch. As claim 1 is believed novel and inventive over

Widditsch, and claim 3 is dependent on claim 1 and claim 4 dependent on claim 3, then claims 3 and 4 are also novel and inventive.

The Examiner has not objected to claims 5 to 9 on grounds of lack of novelty under 35 U.S.C. 102, however, if the Examiner subsequently decides to raise such an objection, the arguments raised above also apply to claims 5 to 9. Further, Widditsch does not disclose a mail bag having an edge region defining an open end bag and a plurality of hooks, as claimed in claim 5. Also, Widditsch does not disclose a mail bag hook assembly adapted for removably attaching a mail bag having an edge to a mail bag support, the support including compoundly curved locating projections, as claimed in claim 9.

New claim 10 includes the features of "a supporting portion defining an aperture therethrough" and "a retaining portion being resiliently deformable out of the plane of the supporting portion", as in claim 1. Therefore the arguments given above for claim 1 also apply to claim 10. Further, claim 10 also includes the feature of "the retaining portion being resiliently deformable out of the plane of the supporting portion such that, when in use, the retaining portion grips a projection in order to prevent the hook from being inadvertently released". The retaining portion in Widditsch does not grip a projection when in use. Indeed the hook assembly of Widditsch loosely fits over a branch or other such projection allowing to swing and move. Therefore, claim 10 of the present application is novel over Widditsch.

The Examiner also rejected Claims 5-9 under 35 U.S.C. 103(a) as being unpatentable over US Patent 5645353 (Linnell et al) in view of Widditsch '357. Following a review of the Linnell et al '353 reference, the Applicant notes that Linnell discloses arrangements of a mail bag. As stated by the Examiner, the Linnell document does not disclose 'a retaining portion which extends in a plane of the supporting portion and which partially occludes the aperture of the supporting portion, the retaining portion being resiliently deformable out of the plane of the supporting portion', as claimed in claims 1, 5 and 9. Further, Linnell does not disclose 'the retaining portion being resiliently deformable out of the plane of the supporting portion such that, when in use, the retaining portion grips a projection in order to prevent the hook from being inadvertently released', as claimed in claim 10. Therefore, claims 1, 5, 9 and 10, and the respective dependent claims are novel over Linnell.

The Applicant believes that it would not be obvious to a skilled practitioner to combine the teaching of Linnell with Widditsch. In particular, the advantage of the present invention, as discussed above, is that the hook avoids inadvertent release once placed, but may be subsequently released using relatively small force. Whereas the hook arrangement described in the Widditsch document positively stops the release of the hook 'even if the bag 12 is violently swung by the wind' (col. 4, line 37). Thus, it would not be obvious to combine the Widditsch document with the Linnell document, as the Widditsch document teaches away from the goals of the present invention.

However, even if the teachings of Widditsch were to be combined with those of Linnell et al., the Applicant's invention as claimed is still not taught. In particular, both Widditsch and Linnell et al. , individually and in combination, fail to teach the aspect of the Applicant's claimed invention of "...a retaining portion which extends in a plane of the supporting portion and which partially occludes the aperture of the supporting portion, the retaining portion being resiliently deformable **out of the plane** of the supporting portion..." (Claim 1 as amended, similar limitation are provided in Claims 5, 9, and 10). This aspect of the Applicant's invention provides the advantageous ability that a simple slip over movement of the Applicant's device both engages the aperture of the device with a cooperating locating projection as well as secures the device to the projection via the resilient retaining portion bearing thereon.

A comparable relative movement of the Widditsch device would not engage the lock 22 of the Widditsch device with a cooperating projection. The Widditsch device is adapted for cooperation with a limb 14 of a tree and it is apparent that Widditsch is adapted to be moved into placement with the limb generally transverse to the major axis of the limb 14 rather than generally along the axis of the locating projections of interest in the Applicant's device and in Linnell et al. Further, Widditsch requires a separate operation of engaging/disengaging the lock 22 via movement of the hood 18 to secure/free the Widditsch hook from the limb 14. Combining the teachings of Widditsch with Linnell et al. would arrive at a support 10 having an aperture from Linnell et al. with a lock 22 moving in the plane of the support from Widditsch. It appears that this combination would not be functional and does not teach the Applicant's claimed invention.

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SUMMARY

From the foregoing, the Applicant believes that the subject application now complies with the requirements of 35 U.S.C. 112, second paragraph, is novel in light of the Widditsch reference, and is patentable over the Widditsch and Linnell et al. references taken individually or in combination. The Applicant believes that the subject application is now in a condition ready for allowance and respectfully requests the prompt allowance of the same. The Applicant believes that this paper is fully responsive to the objections and rejections raised by the Examiner in the Office Action, however should there remain any further impediments to the prompt allowance of this application that might be resolved by a telephone conference, the Examiner is respectfully requested to contact the applicant's undersigned representative at the indicated telephone number.

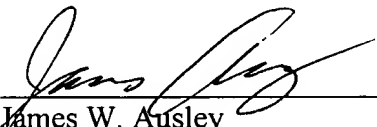
Attached hereto is a marked-up version of the changes made to the application by the current amendment. The attached page is captioned "**Version with Markings to Show Changes Made**"; additions are shown as underlined and deletions are shown as ~~struck through~~.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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IN THE SPECIFICATION:

Please amend the specification of the subject application as follows:

Page 1, please amend the 4th paragraph to read as follows:

[0004] Figure 2 illustrates a mail bag 4 which is suitable for support in the drop bag fitting frame 1 of Figure 1. The mail bag 4 has a number (in this case 4) of ~~the~~ mail bag hooks 5 arranged around its open end. To support the mail bag the hooks 5 are positioned over the locating projections 2 of the frame 1, thereby holding the mail bag 4 in place in the frame.

IN THE CLAIMS:

Please amend the claims as follows:

1. (Amended) A hook for a mail bag, the hook comprising:
 - a planar attachment portion for attachment to a mail bag, the attachment portion defining a longitudinal axis;
 - a planar supporting portion which extends from the attachment portion in ~~the~~ a direction of the longitudinal axis and which is generally coplanar with the attachment portion, the supporting portion defining an aperture therethrough; and
 - a retaining portion which extends in ~~the~~ a plane of the supporting portion and which partially occludes the aperture of the supporting portion, the retaining portion being resiliently deformable out of the plane of the supporting portion.

5. (Amended) A mail bag assembly comprising a mail bag having an edge region defining an open end of the bag and a plurality of hooks, each hook comprising:
 - a planar attachment portion for attachment to the mail bag, the attachment portion defining a longitudinal axis;
 - a planar supporting portion which extends from the attachment portion in ~~the~~ a direction of the longitudinal axis and which is generally coplanar with the attachment portion, the supporting portion defining an aperture therethrough; and
 - a retaining portion which extends in ~~the~~ a plane of the supporting portion and which partially occludes the aperture of the supporting portion, the retaining portion being resiliently deformable out of the plane of the supporting portion wherein the longitudinal axis of each hook is substantially perpendicular to the edge region of the bag.

9. (Amended) A mail bag hook assembly adapted for removably attaching a mail bag having an edge to a mail bag support, the support including compoundly curved locating projections, the assembly comprising:
 - an attachment portion adapted for fixed attachment to the mail bag, the attachment portion extending along a generally vertical axis so as to extend substantially perpendicular to the edge of the mail bag;

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an annular supporting portion which extends from the attachment portion generally along the vertical axis and which is generally coplanar with the attachment portion, the supporting portion defining an aperture therethrough; and

a resilient retaining portion which extends in ~~the~~ a plane of the supporting portion so as to partially occlude the aperture of the supporting portion and, in an unstressed condition, to extend substantially coplanar with the supporting portion and so as to be resilient deformable out of the plane of the supporting portion under applied force such that, in an attached condition, the retaining portion is in a first stressed condition and wherein movement of the assembly to a detached condition while maintaining general alignment of the assembly along the vertical axis induces greater second stressed conditions so as to inhibit displacement of the assembly from the mail bag support.

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